

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed April 5, 2006. In the Office Action, claims 1, 6, 7, 9, 13, 14, 16, and 18 have been preliminarily rejected as allegedly being anticipated by under 35 U.S.C. §102(b) and claims 2, 8, 11, 15, and 19 have been preliminarily rejected as allegedly being unpatentable under 35 U.S.C. §103(a).

In the present Response, claims 1, 2, 6-8, and 16 have been cancelled without prejudice, claims 20 and 21 have been newly added, and claims 9, 11, 13-15, and 18-21 remain pending in the presently pending patent application.

RESPONSE TO CLAIM REJECTION BASED ON 35 U.S.C. §112

In the Office Action, Claim 13 has been preliminarily rejected as allegedly being indefinite. Claim 13 has been amended herein to address this rejection.

The Applicant wishes to clarify that the foregoing amendment has been made for purposes of better defining the invention in response to the rejection made under 35 U.S.C. § 112, and not in response to the rejections based upon any of the references of record. Indeed, the Applicant submits that no substantive limitations have been added to the claim. Therefore, no prosecution history estoppel arises from this amendment. Black & Decker, Inc. v. Hoover Service Center, 886 F.2d 1285, 1294 n. 13 (Fed. Cir. 1989); Andrew Corp. v. Gabriel Electronics, Inc., 847 F.2d 819 (Fed. Cir. 1988); Hi-Life Products Inc. v. American National Water-Mattress Corp., 842 F.2d 323, 325 (Fed. Cir. 1988); Mannesmann Demag Corp. v. Engineered Metal Products Co., Inc., 793 F.2d 1279, 1284-1285 (Fed. Cir. 1986);

Moeller v. Ionetics, Inc., 794 F.2d 653 (Fed. Cir. 1986). Allowance of Claim 13 is respectfully requested.

RESPONSE TO CLAIM REJECTION BASED ON ANTICIPATION

In the Office Action, claim 1, 6, 7, 9, 13, 14, 16, and 18 have been preliminarily rejected as allegedly being anticipated by U.S. Patent 3,199,820 to Thompson. For a proper rejection of a claim under 35 U.S.C. §102(b), the cited reference must disclose all elements/features/steps of the claim. See, *e.g.*, E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co., 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

Claims 1, 6, 7, and 16

In the present Response, claims 1, 6, 7, and 16 have been cancelled without prejudice

Claim 9

Amended independent claim 9, reads as follows:

9. An apparatus for displaying an object on a structure, comprising:
a holding portion fabricated so as to allow said apparatus to hold to said structure;
a frictional element positioned on said holding portion to be in contact with said structure whereby said frictional element reduces mobility of said holding portion along said structure;
a hook capable of allowing said object to be set on said apparatus; and
an enclosed central loop enclosed on a top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, said back portion of said enclosed central loop being a portion of said holding portion, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop,
wherein said enclosed central loop is capable of allowing a second object to be situated in said enclosed central loop after being placed within said left side portion or said right side portion.

(Emphasis Added)

The Applicant respectfully submits that amended Claim 9 is not anticipated by Thompson. Specifically, Thompson does not disclose, teach, or suggest an enclosed central loop enclosed on a top portion, a bottom portion, a front portion, and a back portion. In addition, Thompson does not disclose, teach, or suggest the back portion of the enclosed central loop being a portion of the holding portion. The Applicant has reviewed Thompson thoroughly and submits the following.

First, with regard to the central loop portion of the presently pending claim 9, the portion of the Thompson support hanger emphasized as allegedly being the central loop is in the shape of a triangle. By its very nature, a triangle does not have a top portion, a bottom portion, a front portion, and a back portion. Instead, triangles have three (3) sides. Referring to the language of Thompson, what the Office Action refers to as the

central loop of the support hanger has an upright portion (12), a portion (14) extending from the lower end of the upright portion, and an upstanding portion (22), which is on the outer end of the outstanding portion (14). Therefore, Thompson cannot anticipate claim 9.

Second, amended claim 9 emphasizes that the back portion of the enclosed central loop is a portion of the holding portion. As shown by the enumerations of FIG. 1 of Thompson, as illustrated by the Office Action, what the Office Action refers to as the “holding portion” is the portion of the Thompson support hanger that rests against a wall when the hanger is nailed to a wall. This portion is selected as the “holding portion” in the Office Action due to Claim 9 teaching that the holding portion is fabricated to allow the apparatus to hold to the structure. The upright portion (12) of what is referred to in the Office Action as the central loop is the closest to a “back portion” of the central loop of the Thompson support hanger. As is shown by FIG. 2 and FIG. 1 of Thompson, the back portion of the central loop of the Thompson support hanger is not a portion of the holding portion.

As a result, since Thompson does not disclose, teach, or suggest a central loop enclosed on a top portion, a bottom portion, a front portion, and a back portion, and since Thompson does not disclose, teach, or suggest the back portion of the enclosed central loop being a portion of the holding portion, the Applicant respectfully requests allowance of amended independent claim 9.

Claims 13, 14, and 20

Since independent claim 9 is allowable over the prior art of record, its dependent claims 13, 14, and 20 are allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Hence, there are other reasons why these dependent claims are allowable.

Claim 20

Claim 20 has been added to further define the physical structure of FIG. 8 in the presently pending patent application. Specifically, as is shown by FIG. 8, the holding portion contains an elongated top portion and an elongated side portion, where the elongated side portion extends in a direction substantially perpendicular to the elongated top portion. Allowance of claim 20 is respectfully requested.

Claim 18

Claim 18 now depends from newly added independent claim 21, as shown below.

RESPONSE TO CLAIM REJECTIONS BASED ON OBVIOUSNESS

In the Office Action, claims 2, 8, 11, 15, and 19 have been preliminarily rejected under 35 USC§103(a) as being unpatentable over Thompson in view of Hamerski (U.S. Patent No. 6,835,452). It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited

combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., In re Dow Chemical, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988), and In re Keller, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

Claims 2 and 8

In the present Response, claims 2 and 8 have been cancelled without prejudice

Claims 11 and 15

Hamerski is used by the Office Action to address the element of a double adhesive tape. Since independent claim 9 is allowable over Thompson, as shown above, its dependent claims 11 and 15 are allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Arguments with regard to allowability of claim 9 and addressing Thompson, may be referred to above.

Additionally and notwithstanding the foregoing, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Hence, there are other reasons why these dependent claims are allowable.

NEWLY ADDED Claim 21

Independent claim 21 has been added, which contains elements similar to the elements of independent claim 9. For at least the reasons that independent claim 9 is allowable, as mentioned above, independent claim 21 is allowable.

Claims 18 and 19

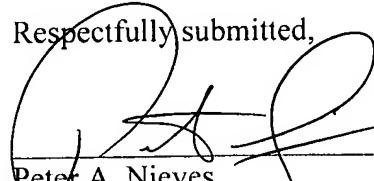
Since independent claim 21 is allowable over the prior art of record, its dependent claims 18 and 19 are allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Hence, there are other reasons why these dependent claims are allowable.

PRIOR ART MADE OF RECORD

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing and for at least the reasons set forth above, the Applicant respectfully requests favorable reconsideration and allowance of the present application and the presently pending claims. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 627-8134.

Respectfully submitted,

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